

AMENDED IN SENATE APRIL 30, 2001

**SENATE BILL**

**No. 136**

**Introduced by Senator Figueroa**

**(Coauthors: Senators Johannessen and Polanco)**

**(Coauthors: Assembly Members Aanestad, Correa, and Thomson)**

January 29, 2001

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An act to amend Sections 5800, 5810, 6710, 6714, 6795, 6799, 7200, 7215.6, ~~7800~~ 7801, 7802, 7802.1, 7803, 7803.1, 7805, 7806, 7810, 7811, 7815.5, 7816, 7822, 7832, 7836, 7839, 7839.1, 7840, 7841, 7841.1, 7842, 7844, 7849, 7852, 7860, 7861, 7871, 7872, 7885, 8710, 8741.1, 8801, 8805, 22251, and 22259 of, to add Sections 5801.1, 5811, 5812, 7801.1, 7802.2, 7802.3, 7803.2, 7803.3, 7803.4, 7803.5, 7806.1, 7808, 7809, 7826, 7832.1, 7836.1, 7837, 7839.2, 7839.3, 7840.1, 7841.3, 7841.4, 7856, 7864, 7865, and 7871.1 to, to repeal Sections 7804, 7804.1, 7807, 7807.1, 7815, 7817, 7818, 7819, 7820, 7823, 7825, 7830.1, 7831, 7834, 7835, 7835.1, 7838, 7845, 7845.1, 7846, 7847, 7848, 7848.1, 7850.1, 7850.5, 7850.6, 7852.1, 7855, 7862, 7863, 7870, 7880, 7881, 7882, 7883, 7884, and 7887 of, and to repeal and add Sections 7830, 7833, 7842.1, 7850, 7853, and 7854 of, the Business and Professions Code, relating to professional boards.

LEGISLATIVE COUNSEL'S DIGEST

SB 136, as amended, Figueroa. Professional boards.

(1) Existing law provides for the establishment of various professional boards within the Department of Consumer Affairs, including *the Board for Geologists and Geophysicists*, and until July 1, 2002, the Board for Professional Engineers and Land Surveyors.

This bill would extend the operation of the Board for Professional Engineers and Land Surveyors until July 1, 2004. The bill would make

changes in the dates of operation for various other boards within the department. Because the bill would impose crimes and penalties for an extended period of time, the bill would impose a state-mandated local program.

(2) *The Geologists and Geophysicist Act provides for the examination and registration of geologists and geophysicists by the Board for Geologists and Geophysicists and requires the board to enforce the provisions of the act. A violation of the act is a crime.*

*This bill would require the licensure of a person by the board to practice as a geologist or geophysicist in California. The bill would make various changes to the composition and duties of the board and the regulations relating to the practice of geology and geophysics. Because a violation of the bill's requirements with respect to the practice of geology and geophysics would be a crime, the bill would impose a state-mandated local program.*

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. *Section 5800 of the Business and Professions*

2 *Code is amended to read:*

3 5800. As used in this chapter:

4 (a) "Certified interior designer" means a person who prepares  
5 and submits nonstructural or nonseismic plans consistent with  
6 Sections 5805 and 5538 to local building departments that are of  
7 sufficient complexity so as to require the skills of a licensed  
8 contractor to implement them, and who engages in programming,  
9 planning, designing, and documenting the construction and  
10 installation of nonstructural or nonseismic elements, finishes and  
11 furnishings within the interior spaces of a building, and has  
12 demonstrated by means of education, experience and examination,  
13 the competency to protect and enhance the health, safety, and  
14 welfare of the public.



(b) An “interior design organization” means a nonprofit professional organization, *exempt from taxation under Section 501(c)(3) of Title 26 of the United States Code*, of certified interior designers whose governing board shall include representatives of the public.

SEC. 2. Section 5801.1 is added to the Business and Professions Code, to read:

5801.1. The procedure for the issuance of a stamp by an interior design organization under Section 5801, including the examinations recognized and required by the organization, shall be subject to the occupational analyses and examination validation required by Section 139 every five to seven years.

SEC. 3. Section 5810 of the Business and Professions Code is amended to read:

5810. This chapter shall be subject to the review required by Division 1.2 (commencing with Section 473).

This chapter shall remain in effect only until January 1, 2002 2004, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2002 2004, deletes or extends that date.

SEC. 4. Section 5811 is added to the Business and Professions Code, to read:

5811. An interior design organization issuing stamps under Section 5801 shall do the following:

(a) Report to the Joint Legislative Sunset Review Committee by September 1, 2002, on outreach efforts, examinations, finances, interactions of the organization, and materials and information.

(b) Have an audit conducted independently of their revenues and expenditures and provide the results of the audit to the Joint Legislative Sunset Review Committee within a reasonable time.

SEC. 5. Section 5812 is added to the Business and Professions Code, to read:

5812. It is an unfair business practice for any person to represent themselves as a “certified interior designer” unless they comply with the requirements of this chapter.

SEC. 6. Section 6710 of the Business and Professions Code is amended to read:

6710. (a) There is in the Department of Consumer Affairs a Board for Professional Engineers and Land Surveyors, which consists of 13 members.

(b) Any reference in any law or regulation to the Board of Registration for Professional Engineers and Land Surveyors is deemed to refer to the Board for Professional Engineers and Land Surveyors.

(c) This section shall become inoperative on July 1, 2004, and, as of January 1, 2005, is repealed, unless a later enacted statute, that becomes effective on or before January 1, 2005, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473). However, the review of the board shall be limited to only those unresolved issues identified by the Joint Legislative Sunset Review Committee.

~~SEC. 2.~~

SEC. 7. Section 6714 of the Business and Professions Code is amended to read:

6714. The board shall appoint an executive officer at a salary to be fixed and determined by the board with the approval of the Director of Finance.

This section shall become inoperative on July 1, 2004, and, as of January 1, 2005, is repealed, unless a later enacted statute, that becomes effective on or before January 1, 2005, deletes or extends the dates on which it becomes inoperative and is repealed.

~~SEC. 3.—~~

SEC. 8. *Section 6795 of the Business and Professions Code is amended to read:*

6795. Certificates of registration as a professional engineer, and certificates of authority, shall be valid for a period of ~~four~~ two years from the assigned date of renewal. ~~Quadrennial~~ Biennial renewals shall be staggered on a monthly basis. To renew an unexpired certificate, the certificate holder shall, on or before the date of expiration indicated on the renewal receipt, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter.

SEC. 9. *Section 6799 of the Business and Professions Code is amended to read:*

6799. The amount of the fees prescribed by this chapter shall be fixed by the board in accordance with the following schedule:

(a) The fee for filing each application for registration as a professional engineer and each application for authority level

1 designation at not more than ~~one~~ *four* hundred ~~seventy-five~~ dollars  
2 ~~(\$175)~~ (\$400), and for each application for certification as an  
3 engineer-in-training at not more than ~~sixty one~~ *hundred* dollars  
4 ~~(\$60)~~ (\$100).

5 (b) The temporary registration fee for a professional engineer  
6 at not more than 25 percent of the application fee in effect on the  
7 date of application.

8 (c) The renewal fee for each branch of professional engineering  
9 in which registration is held, and the renewal fee for each authority  
10 level designation held, at no more than the professional engineer  
11 application fee currently in effect.

12 (d) The fee for a retired license at not more than 50 percent of  
13 the professional engineer application fee in effect on the date of  
14 application.

15 (e) The delinquency fee at not more than 50 percent of the  
16 renewal fee in effect on the date of reinstatement.

17 (f) The board shall establish by regulation an appeal fee for  
18 examination. The regulation shall include provisions for an  
19 applicant to be reimbursed the appeal fee if the appeal results in  
20 passage of examination. The fee charged shall be no more than the  
21 costs incurred by the board.

22 (g) All other document fees are to be set by the board by rule.  
23 Applicants wishing to be examined in more than one branch of  
24 engineering shall be required to pay the additional fee for each  
25 examination after the first.

26 *SEC. 10.* Section 7200 of the Business and Professions Code  
27 is amended to read:

28 7200. (a) There is in the Department of Consumer Affairs a  
29 State Board of Guide Dogs for the Blind in whom enforcement of  
30 this chapter is vested. The board shall consist of seven members  
31 appointed by the Governor. One member shall be the Director of  
32 Rehabilitation or his or her designated representative. The  
33 remaining members shall be persons who have shown a particular  
34 interest in dealing with the problems of the blind, and at least two  
35 of them shall be blind persons who use guide dogs.

36 (b) This section shall become inoperative on July 1, 2008,  
37 and, as of January 1, 2009, is repealed, unless a later enacted  
38 statute, which becomes effective on or before January 1, 2009,  
39 deletes or extends the dates on which it becomes inoperative  
40 and is repealed.

1 ~~SEC. 4.~~

2 *SEC. 11.* Section 7215.6 of the Business and Professions Code  
3 is amended to read:

4 7215.6. (a) In order to provide a procedure for the resolution  
5 of disputes between guide dog users and guide dog schools relating  
6 to the continued physical custody and use of a guide dog, in all  
7 cases except those in which the dog user is the unconditional legal  
8 owner of the dog, the following arbitration procedure shall be  
9 established as a pilot project.

10 (b) This procedure establishes an arbitration panel for the  
11 settlement of disputes between a guide dog user and a licensed  
12 guide dog school regarding the continued use of a guide dog by the  
13 user in all cases except those in which the dog user is the  
14 unconditional legal owner of the dog. The disputes which may be  
15 subject to this procedure concern differences between the user and  
16 school over whether or not a guide dog should continue to be used,  
17 differences between the user and school regarding the treatment of  
18 a dog by the user, and differences over whether or not a user should  
19 continue to have custody of a dog pending investigation of charges  
20 of abuse. It specifically does not address issues such as admissions  
21 to schools, training practices, or other issues relating to school  
22 standards. The board and its representative are not parties to any  
23 dispute described in this section.

24 (c) The licensed guide dog schools in California and the board  
25 shall provide to guide dog users graduating from guide dog  
26 programs in these schools a new avenue for the resolution of  
27 disputes that involve continued use of a guide dog, or the actual  
28 physical custody of a guide dog. Guide dog users who are  
29 dissatisfied with decisions of schools regarding continued use of  
30 guide dogs may appeal to the board to convene an arbitration panel  
31 composed of all of the following:

32 (1) One person designated by the guide dog user.

33 (2) One person designated by the licensed guide dog school.

34 (3) A representative of the board who shall coordinate the  
35 activities of the panel and serve as chair.

36 (d) If the guide dog user or guide dog school wishes to utilize  
37 the arbitration panel, this must be stated in writing to the board.  
38 The findings and decision of the arbitration panel shall be final and  
39 binding. By voluntarily agreeing to having a dispute resolved by

1 the arbitration panel and subject to its procedures, each party to the  
2 dispute shall waive any right for subsequent judicial review.

3 (e) A licensed guide dog school that fails to comply with any  
4 provision of this section shall automatically be subject to a penalty  
5 of two hundred fifty dollars (\$250) per day for each day in which  
6 a violation occurs. The penalty shall be paid to the board. The  
7 license of a guide dog school shall not be renewed until all  
8 penalties have been paid.

9 The fine shall be assessed without advance hearing, but the  
10 licensee may apply to the board for a hearing on the issue of  
11 whether the fine should be modified or set aside. This application  
12 shall be in writing and shall be received by the board within 30  
13 days after service of notice of the fine. Upon receipt of this written  
14 request, the board shall set the matter for hearing within 60 days.

15 (f) As a general rule, custody of the guide dog shall remain with  
16 the guide dog user pending a resolution by the arbitration panel.  
17 In circumstances where the immediate health and safety of the  
18 guide dog user or guide dog is threatened, the licensed school may  
19 take custody of the dog at once. However, if the dog is removed  
20 from the user's custody without the user's concurrence, the school  
21 shall provide to the board the evidence that caused this action to  
22 be taken at once and without fail; and within five calendar days a  
23 special committee of two members of the board shall make a  
24 determination regarding custody of the dog pending hearing by the  
25 arbitration panel.

26 (g) The arbitration panel shall decide the best means to  
27 determine final resolution in each case. This shall include, but is  
28 not limited to, a hearing of the matter before the arbitration panel  
29 at the request of either party to the dispute, an opportunity for each  
30 party in the dispute to make presentations before the arbitration  
31 panel, examination of the written record, or any other inquiry as  
32 will best reveal the facts of the disputes. In any case, the panel shall  
33 make its findings and complete its examination within 45 calendar  
34 days of the date of filing the request for arbitration, and a decision  
35 shall be rendered within 10 calendar days of the examination.

36 All arbitration hearings shall be held at sites convenient to the  
37 parties and with a view to minimizing costs. Each party to the  
38 arbitration shall bear its own costs, except that the arbitration  
39 panel, by unanimous agreement, may modify this arrangement.

(h) The board may study the effectiveness of the arbitration panel pilot project in expediting resolution and reducing conflict in disputes between guide dog users and guide dog schools and may share its findings with the Legislature upon request.

(i) This section shall cease to be operative on July 1, ~~2008~~, and as of January 1, ~~2009~~, is repealed, unless a later enacted statute, which is enacted before January 1, ~~2009~~, deletes or extends that date.

~~SEC. 5. Section 7800 of the Business and Professions Code is amended to read:~~

~~7800. This chapter of the Business and Professions Code shall be known and may be cited as the California Geologist and Geophysicist Licensing Act.~~

~~SEC. 6.~~

*SEC. 12. Section 7801 of the Business and Professions Code is amended to read:*

7801. ~~“Board,”~~ as used in this chapter, “board” means the Board for Geologists and Geophysicists. Any reference in any law or regulation to the State Board of Registration for Geologists and Geophysicists shall be deemed to refer to the Board for Geologists and Geophysicists.

*SEC. 13. Section 7801.1 is added to the Business and Professions Code, to read:*

7801.1. “Department” means the Department of Consumer Affairs.

*SEC. 14. Section 7802 of the Business and Professions Code is amended to read:*

7802. ~~“Geology,” as used in this chapter,~~ “Geology” refers to ~~that the science which treats of the earth in general; that includes the investigation and evaluation of the earth’s crust and the rocks and other materials which compose it; and the applied science of utilizing knowledge of the earth and its earth, including its origin, history, structure, constituent rocks, soils, minerals, liquids, and solids, as well as surface and subsurface waters, gases and other materials for the benefit of mankind; and the evaluation of the natural agents, forces, and processes that cause changes in the earth.~~

*SEC. 15. Section 7802.1 of the Business and Professions Code is amended to read:*

7802.1. ~~“Geophysics,” as used in this chapter, “Geophysics”~~  
~~refers to that the science which involves study that includes the~~  
~~investigation and evaluation of the physical earth by means of~~  
~~measuring its natural and induced fields of force, including, but~~  
~~not limited to, seismic, electric, gravity, and magnetic, and its~~  
~~responses to natural and induced energy and the interpreting~~  
~~interpretation of these measurements and the relating of them to~~  
~~the physics of the earth.~~

SEC. 16. Section 7802.2 is added to the Business and Professions Code, to read:

7802.2. The “practice of geology” means the performance or supervision of, geological service or work for others, including, but not limited to, investigation, evaluation, planning, surveying, mapping of geologic phenomena or data, and may include the review, including regulatory review of geologic work, the performance of which is relevant to public welfare or the safeguarding of life, health, property, and the environment, except as otherwise specifically provided by this chapter.

SEC. 17. Section 7802.3 is added to the Business and Professions Code, to read:

7802.3. The “practice of geophysics” means the performance or supervision of, geophysical service or work for others, including, but not limited to, investigation, evaluation, planning, surveying, mapping of geologic phenomena or data and may include the review, including regulatory review, the performance of which is relevant to the public welfare or the safeguarding of life, health, property, and the environment, except as otherwise specifically provided by this chapter.

SEC. 18. Section 7803 of the Business and Professions Code is amended to read:

7803. ~~“Geologist,” as used in this chapter, refers to~~  
“Geologist” means a person engaged who, by reason of his or her knowledge of geology acquired by education and practical experience, is qualified to engage in the practice of geology, as defined by this act.

SEC. 19. Section 7803.1 of the Business and Professions Code is amended to read:

7803.1. ~~“Geophysicist,” as used in this chapter, refers to~~  
“Geophysicist” means a person engaged who, by reason of his or her knowledge of geology, physics, mathematics, and the

1 *supporting physical sciences acquired by education and practical*  
2 *experience, is qualified to engage in the practice of geophysics, as*  
3 *defined by this act.*

4 *SEC. 20. Section 7803.2 is added to the Business and*  
5 *Professions Code, to read:*

6 *7803.2. "Licensee" means a person licensed under this act.*

7 *SEC. 21. Section 7803.3 is added to the Business and*  
8 *Professions Code, to read:*

9 *7803.3. "Licensed geologist" or "professional geologist"*  
10 *means a geologist who has been issued a license by the Board for*  
11 *Geologists and Geophysicists.*

12 *SEC. 22. Section 7803.4 is added to the Business and*  
13 *Professions Code, to read:*

14 *7803.4. "Licensed geophysicist" or "professional*  
15 *geophysicist" means a geophysicist who has been issued a license*  
16 *by the Board for Geologists and Geophysicists.*

17 *SEC. 23. Section 7803.5 is added to the Business and*  
18 *Professions Code, to read:*

19 *7803.5. Any reference in any law or regulation to a registered*  
20 *geologist is deemed to refer to a licensed geologist or professional*  
21 *geologist. Any reference in any law or regulation to a registered*  
22 *geophysicist is deemed to refer to a licensed geophysicist or*  
23 *professional geophysicist.*

24 *SEC. 24. Section 7804 of the Business and Professions Code*  
25 *is repealed.*

26 ~~*7804. Only a person registered as a geologist under the*~~  
27 ~~*provisions of this chapter shall be entitled to take and use the title*~~  
28 ~~*"registered geologist." Only a person registered as a geologist and*~~  
29 ~~*certified under the provisions of this chapter shall be entitled to*~~  
30 ~~*take and use the title of a registered certified specialty geologist.*~~

31 *SEC. 25. Section 7804.1 of the Business and Professions Code*  
32 *is repealed.*

33 ~~*7804.1. Only a person registered as a geophysicist under the*~~  
34 ~~*provisions of this chapter shall be entitled to take and use the title*~~  
35 ~~*"Registered Geophysicist." Only a person registered as a*~~  
36 ~~*geophysicist and certified under the provisions of this chapter shall*~~  
37 ~~*be entitled to take and use the title of a registered certified specialty*~~  
38 ~~*geophysicist.*~~

39 *SEC. 26. Section 7805 of the Business and Professions Code*  
40 *is amended to read:*

1     7805. ~~The term “responsible charge of work”~~ “Responsible  
2 charge” means the independent control ~~and~~, direction, and  
3 continuous involvement, by ~~the~~ use of initiative, experience,  
4 education, skill, and independent judgment, of geological or  
5 geophysical work or the supervision of ~~such~~ that work.

6     SEC. 27. Section 7806 of the Business and Professions Code  
7 is amended to read:

8     7806. ~~A subordinate is~~ “Subordinate” means any person who  
9 assists a ~~registered~~ licensed geologist or ~~registered~~ licensed  
10 geophysicist, or who assists an exempt person, in the practice of  
11 geology or geophysics without assuming the responsible charge of  
12 the work.

13     SEC. 28. Section 7806.1 is added to the Business and  
14 Professions Code, to read:

15     7806.1. “Supervision” is the direct control of subordinates on  
16 projects for which a licensee has responsible charge.

17     SEC. 29. Section 7807 of the Business and Professions Code  
18 is repealed.

19     7807. ~~A qualified geologist is a person who possesses all the~~  
20 ~~qualifications specified in Section 7841 for registration except that~~  
21 ~~he is not registered.~~

22     SEC. 30. Section 7807.1 of the Business and Professions Code  
23 is repealed.

24     7807.1. ~~A qualified geophysicist is a person who possesses all~~  
25 ~~the qualifications specified in Section 7841.1 for registration~~  
26 ~~except that he is not registered.~~

27     SEC. 31. Section 7808 is added to the Business and  
28 Professions Code, to read:

29     7808. “For others” refers to the public; the people of  
30 California.

31     SEC. 32. Section 7809 is added to the Business and  
32 Professions Code, to read:

33     7809. As used in this chapter, the following terms relating to  
34 specialties shall have the meanings ascribed to them below:

35     (a) A “specialty” is any branch of geology or geophysics that  
36 has been recognized pursuant to this chapter for the purposes of  
37 licensure. Engineering geology and hydrogeology shall be  
38 considered to be specialties of geology.

39     (b) A “certified specialty geologist” is a licensed geologist who  
40 has met the academic and experience qualifications in a specialty

1 of geology established pursuant to this chapter and has been  
2 issued a license in that specialty by the board.

3 (c) A “certified specialty geophysicist” is a licensed  
4 geophysicist who has met the academic and experience  
5 qualifications in a specialty of geophysics established pursuant to  
6 this chapter and has been issued a license in that specialty by the  
7 board.

8 (d) “Engineering geology” refers to a specialty of geology that  
9 includes the application of geologic data, techniques, and  
10 principles to the evaluation and prediction of geologic hazards,  
11 materials, and processes that affect land-use planning, design,  
12 construction, operation and maintenance of the built environment,  
13 and the protection, evaluation, development, and remediation of  
14 surface and subsurface water resources.

15 (e) A “certified engineering geologist” is a licensed geologist  
16 who, by reason of his or her knowledge of engineering geology,  
17 acquired by education and practical experience, and who has  
18 passed examinations required pursuant to this chapter, is licensed  
19 to use the title of certified engineering geologist.

20 (f) “Hydrogeology” refers to a specialty of geology that  
21 includes the application of the science of geology to the evaluation  
22 of the occurrence, distribution, quantity, quality and movement of  
23 water, gases, particles, and other materials below the surface of  
24 the earth, with particular emphasis given to groundwater quality  
25 and contaminant transport.

26 (g) A “certified hydrogeologist” is a licensed geologist who, by  
27 reason of his or her knowledge of hydrogeology acquired by  
28 education and practical experience, and who has passed  
29 examinations required pursuant to this chapter, is licensed to use  
30 the title certified hydrogeologist.

31 SEC. 33. Section 7810 of the Business and Professions Code  
32 is amended to read:

33 7810. ~~The~~ There is in the Department of Consumer Affairs a  
34 Board for Geologists and Geophysicists ~~is within the department~~  
35 ~~and is subject to the jurisdiction of the department. Except as~~  
36 ~~provided in this section, the~~ The board shall consist be composed  
37 of ~~eight~~ seven members, ~~five~~ four of whom shall be public  
38 members, ~~two~~ and three licensed in accordance with the terms of  
39 this act. Two of ~~whom~~ the licensees shall be geologists; and one of  
40 ~~whom~~ shall be a geophysicist.

~~Each member shall hold office until the appointment and qualification of the member's successor or until one year has elapsed from the expiration of the term for which the member was appointed, whichever occurs first. Vacancies occurring prior to the expiration of the term shall be filled by appointment for the remainder of the unexpired term.~~

Each ~~appointment~~ *member of the board* shall be appointed for a four-year term expiring June 1 ~~of the fourth year following the year in which the previous term expired. Terms are staggered so that not more than two appointments are scheduled to be made in any fiscal year, not including partial terms.~~ No ~~person~~ *member of the board* shall serve as a member of the board for more than two consecutive *full* terms.

The Governor shall appoint *the three licensed members and two of the public members and the three members qualified as provided in Section 7811.* The Senate Committee on Rules and the Speaker of the Assembly shall each appoint a *one* public member; ~~and their initial appointment shall be made to fill, respectively, the first and second public member vacancies that occurred on or after January 1, 1983.~~

~~At the time the first vacancy is created by the expiration of the term of a public member appointed by the Governor, the board shall be reduced to consist of seven members, four of whom shall be public members, two of whom shall be geologists, and one of whom shall be a geophysicist. Notwithstanding any other provision of law, the term of that member shall not be extended for any reason, except as provided in this section.~~

This section shall become inoperative on July 1, 2005, and, as of January 1, 2006, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2006, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473).

*SEC. 34. Section 7811 of the Business and Professions Code is amended to read:*

7811. Each member of the board shall be a citizen of the United States; ~~shall be at least 30 years of age;~~ and *each licensed member* shall have been ~~a resident of~~ *licensed in* this state for at least ~~five~~ *three* years immediately preceding his or her appointment. ~~Each of the first appointed geologist members of the~~

~~board shall have at least 12 years active experience and shall be a qualified geologist; each subsequent geologist member of the board shall be a geologist registered under this chapter. The first appointed geophysicist member shall have at least 12 years active experience and shall be a qualified geophysicist. Each subsequent geophysicist member shall be a geophysicist registered under this chapter. The board shall include not less than one engineering geologist and one petroleum geologist, as determined by the Governor.~~

SEC. 35. *Section 7815 of the Business and Professions Code is repealed.*

~~7815. Each member of the board shall receive a per diem and expenses as provided in Section 103.~~

SEC. 36. *Section 7815.5 of the Business and Professions Code is amended to read:*

7815.5. The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter *or in regulations*.

This section shall become inoperative on July 1, 2005, and, as of January 1, 2006, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2006, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 37. *Section 7816 of the Business and Professions Code is amended to read:*

7816. (a) *The board pursuant to the provisions contained in Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, may adopt, amend, or repeal rules and regulations to carry out the provisions this chapter.*

(b) The board shall meet annually and at such other times as it may determine.

(c) *A majority of the duly appointed board members shall constitute a quorum.*

SEC. 38. *Section 7817 of the Business and Professions Code is repealed.*

~~7817. Five members of the board shall constitute a quorum for the transaction of business; provided, however, that four members of the board shall constitute a quorum for the transaction of~~

~~business when the board's membership is reduced to seven pursuant to Section 7810.~~

*SEC. 39. Section 7818 of the Business and Professions Code is repealed.*

~~7818. The board, pursuant to the provisions contained in Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, may adopt, amend or repeal rules and regulations to carry out the provisions of this chapter.~~

*SEC. 40. Section 7819 of the Business and Professions Code is repealed.*

~~7819. Except as otherwise provided by law, all records of the board shall be open to inspection by the public during regular office hours.~~

*SEC. 41. Section 7820 of the Business and Professions Code is repealed.*

~~7820. The board shall have and use a seal bearing the name "State Board of Registration for Geologists and Geophysicists."~~

*SEC. 42. Section 7822 of the Business and Professions Code is amended to read:*

*7822. In addition to any other powers and duties granted under the laws of this state or provided in this chapter:*

*(a) The board shall establish by regulation reasonable and necessary fees to be charged to applicants and registrants in connection with, and to support the administration and enforcement of, this chapter.*

*(b) The board may, by regulation, provide for the division of the certification of registration licenses into different specialties, including, but not limited to, petroleum, mining, and ground water, and may issue certificates in one or more of the specialties in which the applicant demonstrated proficiency. The board shall provide such a certificate the certificates for those qualified in engineering geology and hydrogeology.*

*(c) The board shall have the authority to prepare, administer, and grade examinations required or permitted by this chapter and to determine where and when examinations are to be given. In connection therewith, the board shall have the authority to adopt or recognize, in part or in whole, examinations prepared, administered or graded by other entities, on a state or national basis, which the board determines are appropriate to measure the*

1 *qualifications of an applicant for licensure as a geologist,*  
2 *geophysicist, or in any specialty of geology or geophysics.*

3 *(d) The board shall issue licenses as provided in this chapter.*

4 *(e) The board shall renew and reissue licenses as provided in*  
5 *this chapter.*

6 *(f) The board may, by regulation, develop, adopt and issue*  
7 *requirements for a program of continuing education.*

8 *(g) The board shall, by regulation, develop, adopt and issue*  
9 *professional standards.*

10 *(h) The board may initiate and shall investigate complaints of*  
11 *violations of this chapter by any person or organization.*

12 *(i) The members of the board and the executive officer shall*  
13 *have the authority to administer oaths and affirmations, in the*  
14 *performance of any business of the board, and to issue subpoenas*  
15 *to compel the attendance of witnesses and the production of*  
16 *evidence.*

17 *(j) The board shall have the authority to issue cease and desist*  
18 *orders and to seek injunctions against violations of this chapter or*  
19 *the board's rules and regulations.*

20 *(k) The board shall have the authority to enter into agreements*  
21 *with bodies that regulate the practice of geology or geophysics, or*  
22 *closely related geological or geophysical disciplines, or that*  
23 *license or register geologists or geophysicists, and may establish*  
24 *agreements with those bodies in other states or countries, for the*  
25 *purpose of establishing uniformly high professional standards*  
26 *whereby mutual recognition of licensing and registration can be*  
27 *achieved.*

28 *(l) The board shall have the authority to grant a temporary*  
29 *license to a geologist or geophysicist from another state or country*  
30 *as established by regulations.*

31 *(m) The board shall have the authority to appoint advisory*  
32 *committees as required or as deemed advisable to perform duties*  
33 *as the board may direct; provided, however, that the board shall*  
34 *not delegate any final decisionmaking authority to any committee*  
35 *that has as a member any person who is not a member of the board.*  
36 *Membership on those committees is at the discretion of the board.*  
37 *Each member of a committee may receive a per diem and expenses*  
38 *as provided in Section 103 of the code as approved by the board*  
39 *for the performance of his or her duties as a member of the*  
40 *committee.*

1     (n) *The board shall have the authority to retain independent*  
2 *counsel and investigators to provide legal and investigative*  
3 *assistance as may be necessary in enforcing the provisions of this*  
4 *chapter.*

5     (o) *The board shall have all other powers and authority*  
6 *consistent with this chapter and other state laws, whether or not*  
7 *enumerated herein, as are necessary for the administration and*  
8 *enforcement of this chapter.*

9     SEC. 43. *Section 7823 of the Business and Professions Code*  
10 *is repealed.*

11     ~~7823. The board shall have the authority to appoint~~  
12 ~~committees as required or as deemed advisable to perform duties~~  
13 ~~as the board may direct; provided, however, that the board shall not~~  
14 ~~delegate any final decisionmaking authority to any committee that~~  
15 ~~has as a member any person who is not a member of the board.~~

16     ~~Membership on those committees is at the pleasure of the board.~~

17     ~~No member of a committee shall receive any other~~  
18 ~~compensation than his or her necessary expenses, as approved by~~  
19 ~~the board, connected with the performance of his or her duties as~~  
20 ~~a member of the committee.~~

21     SEC. 44. *Section 7825 of the Business and Professions Code*  
22 *is repealed.*

23     ~~7825. The board shall establish relations with bodies which~~  
24 ~~regulate the practice of geology and geophysics, or closely related~~  
25 ~~geologic and geophysical disciplines, or which register geologists~~  
26 ~~and geophysicists in the other states, and may establish relations~~  
27 ~~with such bodies in other countries, for the purposes of working~~  
28 ~~toward (1) uniformly high professional standards and (2) mutual~~  
29 ~~recognition of registration.~~

30     SEC. 45. *Section 7826 is added to the Business and*  
31 *Professions Code, to read:*

32     7826. *Each board member shall conduct himself or herself*  
33 *according to a code of conduct established by board policy.*

34     SEC. 46. *Section 7830 of the Business and Professions Code*  
35 *is repealed.*

36     ~~7830. After June 30, 1970, it is unlawful for anyone other than~~  
37 ~~a geologist registered under this chapter to stamp or seal any plans,~~  
38 ~~specifications, plats, reports, or other documents with the seal or~~  
39 ~~stamp of a registered geologist or registered certified specialty~~  
40 ~~geologist, or to use in any manner the title "registered geologist"~~

~~or the title of any registered certified specialty geologist unless registered, or registered and certified, hereunder.~~

*SEC. 47. Section 7830 is added to the Business and Professions Code, to read:*

*7830. (a) Any geological document or geological portion of a document prepared for use by others or that the public may reasonably be expected to rely on, including those required by or supporting compliance with all applicable laws, ordinances or regulations, that incorporate or are based on a geological evaluation or on geological data, shall be prepared by or under the supervision of a licensed geologist as evidenced by the geologist's signature and seal.*

*(b) Any geophysical document or geophysical portion of a document prepared for use by others or that the public may reasonably be expected to rely on, including those required by or supporting compliance with all applicable laws, ordinances, or regulations, that incorporates or is based on a geophysical evaluation or on geophysical data, shall be prepared by or under the supervision of a licensed geophysicist as evidenced by the geophysicist's signature and seal.*

*SEC. 48. Section 7830.1 of the Business and Professions Code is repealed.*

~~7830.1. After one year following the effective date of this section it shall be unlawful for anyone other than a geophysicist registered under this chapter to stamp or seal any plans, specifications, plats, reports, or other documents with the seal or stamp of a registered geophysicist, or registered certified specialty geophysicist, or to use in any manner the title "Registered Geophysicist" or the title of any registered certified specialty geophysicist unless registered, or registered and certified, under this chapter.~~

*SEC. 49. Section 7831 of the Business and Professions Code is repealed.*

~~7831. It is unlawful for anyone to stamp or seal any plans, specifications, plats, reports, or other documents with the seal after the certificate of the registrant, named thereon, has expired or has been suspended or revoked, unless the certificate has been renewed or reissued.~~

*SEC. 50. Section 7832 of the Business and Professions Code is amended to read:*

7832. ~~Any~~ (a) *In order to safeguard life, health, property, and public welfare, no person, either in a public or private capacity, except as in this chapter specifically exempted, who shall practice or, offer or attempt to practice for others geology or geophysics for others thereof in this state is subject to the provisions of this chapter unless the person submits evidence that he or she is qualified to practice, and shall be licensed accordingly by the board.*

(b) *It is unlawful for any person to practice, offer to practice, or represent himself or herself, as a geologist or geophysicist in this state, unless he or she has been licensed or specifically exempted from licensing under this chapter.*

(c) *Only a person licensed as a geologist under the provisions of this chapter shall be entitled to take and use the title "professional geologist." Only a licensed geologist also licensed as a certified specialty geologist under the provisions of this chapter shall be entitled to take and use the title of a licensed certified specialty geologist.*

(d) *Only a person licensed as a geophysicist under the provisions of this chapter shall be entitled to take and use the title 'professional geophysicist.' Only a licensed geophysicist also licensed as a certified specialty geophysicist under the provisions of this chapter shall be entitled to take and use the title of a licensed certified specialty geophysicist.*

SEC. 51. *Section 7832.1 is added to the Business and Professions Code, to read:*

7832.1. *Any person, except as specifically exempted in this chapter, who practices or offers to practice geology or geophysics for others in this state, is subject to the provisions of this chapter.*

SEC. 52. *Section 7833 of the Business and Professions Code is repealed.*

~~7833. This chapter does not prohibit one or more geologists or geophysicists from practicing through the medium of a sole proprietorship, partnership, or corporation. In a partnership or corporation whose primary activity consists of geological services, at least one partner or officer shall be a registered geologist. In a partnership or corporation whose primary activity consists of geophysical services, at least one partner or officer shall be a registered geophysicist.~~

1 SEC. 53. Section 7833 is added to the Business and  
2 Professions Code, to read:

3 7833. (a) Any firm, corporation, business entity, or  
4 government agency that offers to engage in or engages in the  
5 practice for others of geology or geophysics or any specialty  
6 thereof shall have one or more geologists licensed to practice  
7 geology, or one or more geophysicists licensed to practice  
8 geophysics, or the applicable specialty thereof, except as  
9 otherwise specifically provided by this chapter, who shall be in  
10 responsible charge and who shall sign and seal all documents as  
11 provided in this chapter.

12 (b) If the principal business of the firm or government agency  
13 or corporation, as determined by or under regulations issued by  
14 the board, is engaged in the practice for others of geology or  
15 geophysics, a principal of the firm or government agency, or an  
16 officer or director of the corporation, shall be licensed as a  
17 geologist or geophysicist and shall have overall supervision and  
18 control of the geological or geophysical work performed in this  
19 state, except as otherwise specifically provided by this chapter.

20 SEC. 54. Section 7834 of the Business and Professions Code  
21 is repealed.

22 ~~7834. This chapter does not prevent or prohibit an individual,~~  
23 ~~firm, company, association or corporation whose principal~~  
24 ~~business is other than the practice of geology or geophysics from~~  
25 ~~employing a geologist or geophysicist to perform professional~~  
26 ~~services in geology or geophysics incidental to the conduct of their~~  
27 ~~business.~~

28 SEC. 55. Section 7835 of the Business and Professions Code  
29 is repealed.

30 ~~7835. All geologic plans, specifications, reports or documents~~  
31 ~~shall be prepared by a registered geologist, or registered certified~~  
32 ~~specialty geologist, or by a subordinate employee under his~~  
33 ~~direction. In addition, they shall be signed by such registered~~  
34 ~~geologist, or registered certified specialty geologist or stamped~~  
35 ~~with his seal, either of which shall indicate his responsibility for~~  
36 ~~them.~~

37 SEC. 56. Section 7835.1 of the Business and Professions Code  
38 is repealed.

39 ~~7835.1. All geophysical plans, specifications, reports or~~  
40 ~~documents shall be prepared by a registered geophysicist,~~

~~1 registered certified specialty geophysicist, registered geologist,  
2 registered certified specialty geologist, or by a subordinate  
3 employee under his direction. In addition, they shall be signed by  
4 such registered geophysicist, registered certified specialty  
5 geophysicist, registered geologist, or registered certified specialty  
6 geologist, or stamped with his seal, either of which shall indicate  
7 his responsibility for them.~~

8 *SEC. 57. Section 7836 of the Business and Professions Code*  
9 *is amended to read:*

10 7836. Officers and employees of the ~~United States of America~~  
11 ~~practicing solely as such officers or employees are exempt from~~  
12 ~~registration under the provisions of this chapter~~ federal and state  
13 government, any city or county in the state, or any local agency  
14 created under state statutes, who perform geological and  
15 geophysical work that affects public health, safety, and welfare  
16 shall be licensed under this chapter. This work specifically  
17 includes review of geological and geophysical reports submitted  
18 in compliance with applicable state and local regulations, codes,  
19 and ordinances.

20 *SEC. 58. Section 7836.1 is added to the Business and*  
21 *Professions Code, to read:*

22 7836.1. The federal government, State of California, its  
23 political subdivisions, and all public boards, districts,  
24 commissions, or authorities shall contract for geological or  
25 geophysical services only with persons licensed under this chapter  
26 or with business entities employing geologists or geophysicists  
27 licensed under this chapter, who shall be in responsible charge of  
28 the geological or geophysical work.

29 *SEC. 59. Section 7837 is added to the Business and*  
30 *Professions Code, to read:*

31 7837. The following individuals are not required to be  
32 licensed under this chapter:

33 (a) An employee or subordinate of a licensee under this chapter,  
34 provided that the employee or subordinate is under the supervision  
35 of a geologist or geophysicist licensed hereunder.

36 (b) An engineer empowered to practice civil engineering in this  
37 state, under provisions of Chapter 7 (commencing with Section  
38 6700) of Division 3 of the Business and Professions Code insofar  
39 as he or she practices engineering in its various branches.

1     *SEC. 60. Section 7838 of the Business and Professions Code*  
2     *is repealed.*

3     ~~7838. A civil engineer empowered to practice civil~~  
4     ~~engineering in this state, and a petroleum engineer registered in~~  
5     ~~this state, under provisions of Chapter 7 (commencing with~~  
6     ~~Section 6700) of Division 3 of this code insofar as they practice~~  
7     ~~civil engineering in its various branches or petroleum engineering,~~  
8     ~~respectively, are exempt from registration under the provisions of~~  
9     ~~this chapter.~~

10    *SEC. 61. Section 7839 of the Business and Professions Code*  
11    *is amended to read:*

12    ~~7839. This chapter shall not empower~~ *does not authorize a*  
13    ~~licensed geologist or licensed geophysicist registered under this~~  
14    ~~chapter to practice or offer to practice civil engineering and any of~~  
15    ~~its various recognized branches except as authorized under the~~  
16    ~~Business and Professions Code.~~

17    *SEC. 62. Section 7839.1 of the Business and Professions Code*  
18    *is amended to read:*

19    ~~7839.1. This chapter section shall not empower~~ *authorize a*  
20    ~~licensed geologist registered under this chapter to practice or offer~~  
21    ~~to practice geophysics for others in this state except as such the~~  
22    ~~geophysical work is related to his or her practice of geology.~~

23    ~~This chapter section shall not empower~~ *authorize a licensed*  
24    ~~geophysicist registered under this chapter to practice or offer to~~  
25    ~~practice geology for others in this state except as such the~~  
26    ~~geological work is related to his or her practice of geophysics.~~

27    *SEC. 63. Section 7839.2 is added to the Business and*  
28    *Professions Code, to read:*

29    ~~7839.2. A licensee under this chapter shall not practice or~~  
30    ~~perform geological or geophysical work in any field unless he or~~  
31    ~~she is competent and proficient in that field, as demonstrated by his~~  
32    ~~or her education and experience.~~

33    *SEC. 64. Section 7839.3 is added to the Business and*  
34    *Professions Code, to read:*

35    ~~7839.3. Nothing provided by this chapter shall permit any~~  
36    ~~person, firm, or corporation to hold himself, herself, or itself out~~  
37    ~~to the public as a geologist or geophysicist, or as being licensed~~  
38    ~~as a geologist, geophysicist, certified specialty geologist, or~~  
39    ~~certified specialty geophysicist, or as being able to perform~~  
40    ~~geological or geophysical services, or to prepare any report or~~

1 other document requiring the signature and seal of a licensee  
2 under Section 7852, unless the person is licensed under the  
3 provisions of this chapter.

4 SEC. 65. Section 7840 of the Business and Professions Code  
5 is amended to read:

6 7840. An application for ~~registration as a geologist or for~~  
7 ~~registration as a geophysicist licensure~~ shall be made to the board  
8 on a form prescribed and furnished by it and shall be the board,  
9 signed by the applicant, accompanied by the appropriate  
10 application fee fixed by this chapter and shall include any  
11 information required in regulations.

12 SEC. 66. Section 7840.1 is added to the Business and  
13 Professions Code, to read:

14 7840.1. An applicant shall remit fees for application,  
15 examination, licensure, and renewal of license, pursuant to  
16 Section 7822, and any other fees as may be required by the board.

17 SEC. 67. Section 7841 of the Business and Professions Code  
18 is amended to read:

19 7841. ~~An~~ For licensure as a geologist, an applicant ~~for~~  
20 ~~registration as a geologist shall have all~~ shall meet the following  
21 qualifications requirements:

22 (a) ~~Not have committed~~ The applicant shall not have been  
23 convicted of any acts or ~~crimes~~ crime constituting grounds for  
24 denial of licensure under Section 480.

25 (b) ~~Meet one of the following educational requirements~~  
26 ~~fulfilled at a school or university whose geological curricula meet~~  
27 ~~criteria established by rules of the board:~~

28 (1) ~~Graduation with a major in geology.~~

29 (2) ~~Completion of 30 semester units in geological science~~  
30 ~~courses leading to a major in geology, of which at least 24 units are~~  
31 ~~in the third or fourth year, or graduate courses.~~

32 (c) ~~Have at least seven years of professional geological work~~  
33 ~~which shall include either a minimum of three years of~~  
34 ~~professional geological work under the supervision of a registered~~  
35 ~~geologist or a registered civil or petroleum engineer, except that~~  
36 ~~prior to July 1, 1970, professional geological work shall qualify~~  
37 ~~under this subdivision if it is under the supervision of a qualified~~  
38 ~~geologist or a registered civil or petroleum engineer, or a minimum~~  
39 ~~of five years' experience in responsible charge of professional~~  
40 ~~geological work. Professional geological work does not include~~

~~1 routine sampling, laboratory work, or geological drafting. The~~  
~~2 applicant shall have obtained a degree with a major in geological~~  
~~3 sciences from a college or university. The board may identify, by~~  
~~4 regulation, those core curricula in geological sciences that are~~  
~~5 deemed to meet minimum educational requirements.~~

~~6 (c) (1) The applicant shall have a documented record of a~~  
~~7 minimum of five years of experience in geology or a specialty of~~  
~~8 geology, obtained subsequent to completion of the academic~~  
~~9 requirements specified in this chapter, and professional geological~~  
~~10 experience of a character satisfactory to the board, demonstrating~~  
~~11 that the applicant is qualified to assume responsible charge of~~  
~~12 appropriate work upon licensure as a geologist. The experience~~  
~~13 must be gained under the supervision of a geologist or geophysicist~~  
~~14 licensed in this or any other state, or under the supervision of~~  
~~15 others who, in the opinion of the board, have the training and~~  
~~16 experience to have responsible charge of geological work.~~

~~17 (2) Each year of undergraduate study in the geological sciences~~  
~~18 shall count as one-half year of training up to a maximum of two~~  
~~19 years, and each year of full-time graduate study or research counts~~  
~~20 satisfactorily completed in the geological sciences shall qualify as~~  
~~21 a one year of training professional experience in geology up to a~~  
~~22 maximum of two years.~~

~~23 Teaching in the geological sciences at college level shall be~~  
~~24 credited year for year toward meeting the requirement in this~~  
~~25 category, provided that the total teaching experience includes six~~  
~~26 semester units per semester, or equivalent if on the quarter system,~~  
~~27 of third or fourth year or graduate courses.~~

~~28 Credit for undergraduate study, graduate study, and teaching,~~  
~~29 individually, or in any combination thereof, shall in no case exceed~~  
~~30 a total of four years towards meeting the requirement for at least~~  
~~31 seven years of professional geological work as set forth above.~~

~~32 The ability of the applicant shall have been demonstrated by the~~  
~~33 applicant having performed the work in a responsible position, as~~  
~~34 the term “responsible position” is defined in regulations adopted~~  
~~35 by the board. The adequacy of the required supervision and~~  
~~36 experience shall be determined by the board in accordance with~~  
~~37 standards set forth in regulations adopted by it.~~

~~38 (3) The board may accept full-time geological research or~~  
~~39 teaching of persons at the college or university level as~~  
~~40 professional geological experience, provided that the research or~~

1 *teaching, in the judgment of the board, is comparable to*  
2 *professional geological experience obtained in the practice of*  
3 *geology or a specialty in geology.*

4 (d) ~~Successfully pass~~ *The applicant shall have passed a written*  
5 *examination that incorporates a national examination for*  
6 *geologists created by a nationally recognized entity approved by*  
7 *the board, and a supplemental California specific examination.*  
8 *The California specific examination shall test the applicant's*  
9 *knowledge of state laws, rules and regulations, and of seismicity*  
10 *and geology unique to practice within this state. The board shall*  
11 ~~*use the national examination on or before June 30, 2000.*~~

12 (e) *The applicant shall meet any other general or individual*  
13 *requirements as may be established by the board pursuant to its*  
14 *authority under this chapter.*

15 SEC. 68. *Section 7841.1 of the Business and Professions Code*  
16 *is amended to read:*

17 7841.1. ~~An applicant for registration~~ *For licensure as a*  
18 *geophysicist, an applicant shall have all of meet the following*  
19 ~~*qualifications requirements. This section shall not apply to*~~  
20 ~~*applicants for registration as geologists.*~~

21 (a) ~~Not have committed~~ *The applicant shall not have been*  
22 *convicted of any acts or crimes crime constituting grounds for*  
23 *denial of licensure under Section 480.*

24 (b) ~~Meet one of the following educational requirements~~  
25 ~~*fulfilled at a school or university whose curricula meet criteria*~~  
26 ~~*established by rules of the board. The applicant shall have one of*~~  
27 ~~*the following:*~~

28 (1) ~~Graduation~~ *Obtained a degree with a major in a*  
29 *geophysical science or any other discipline which in the opinion*  
30 ~~*of the board is relevant to geophysics from a college or university.*~~

31 (2) ~~Completion of a combination of~~ *Completed a program*  
32 *recognized by the board that includes at least 30 semester or 45*  
33 *quarter hours of credit, in courses which in the opinion of the*  
34 ~~*board are relevant to*~~ *with a major in geophysics.*

35 (3) *Satisfied education equivalents determined by the board.*  
36 *At least 24 semester or 36 quarter hours, or the equivalent, shall*  
37 *be in the third or fourth year, upper division or graduate courses.*  
38 *The board may identify, by regulation, those core curricula in*  
39 *geophysical sciences that are deemed to meet minimum*  
40 *educational requirements.*

1     (c) ~~Have at least seven years of professional geophysical work~~  
2 ~~which shall include either a minimum of three years of~~  
3 ~~professional geophysical work under the supervision of a~~  
4 ~~registered geophysicist, except that prior to July 1, 1973,~~  
5 ~~professional geophysical work shall qualify under this subdivision~~  
6 ~~if it is under the supervision of a qualified geophysicist, or a~~  
7 ~~minimum of five years' experience in responsible charge of~~  
8 ~~professional geophysical work. Professional geophysical work~~  
9 ~~does not include the routine maintenance or operation of~~  
10 ~~geophysical instruments, or, even if carried out under the~~  
11 ~~responsible supervision of a professional geophysicist, the routine~~  
12 ~~reduction or plotting of geophysical observations.— (1) The~~  
13 ~~applicant shall have a documented record of a minimum of five~~  
14 ~~years of experience in geophysics or a specialty of geophysics,~~  
15 ~~obtained subsequent to completion of the academic requirements~~  
16 ~~specified in this chapter, and professional geophysical experience~~  
17 ~~of a character satisfactory to the board, demonstrating that the~~  
18 ~~applicant is qualified to assume responsible charge of appropriate~~  
19 ~~work upon licensure as a geophysicist. The experience must be~~  
20 ~~gained under the supervision of a geophysicist or geologist~~  
21 ~~licensed in this or any other state, or under the supervision of~~  
22 ~~others who, in the opinion of the board, have the training and~~  
23 ~~experience to have responsible charge of geophysical work.~~  
24     (2) ~~Each year of undergraduate study in the geophysical~~  
25 ~~sciences referred to in this section shall count as one-half year of~~  
26 ~~training up to a maximum of two years, and each year of full-time~~  
27 ~~graduate study or research counts satisfactorily completed in the~~  
28 ~~geophysical sciences or in a specialty of geophysics shall qualify~~  
29 ~~as a one year of training professional experience in geophysics, up~~  
30 ~~to a maximum of two years.~~  
31     ~~Teaching in the geophysical sciences referred to in this section~~  
32 ~~at a college level shall be credited year for year toward meeting the~~  
33 ~~requirement in this category, provided that the total teaching~~  
34 ~~experience includes six semester units per semester, or equivalent~~  
35 ~~if on the quarter system, of third or fourth year or graduate courses.~~  
36     ~~Credit for undergraduate study, graduate study, and teaching,~~  
37 ~~individually, or in any combination thereof, shall in no case exceed~~  
38 ~~a total of four years towards meeting the requirements for at least~~  
39 ~~seven years of professional geophysical work as set forth above.~~

~~The ability of the applicant shall have been demonstrated by his having performed the work in a responsible position, as the term “responsible position” is defined in regulations adopted by the board. The adequacy of the required supervision and experience shall be determined by the board in accordance with standards set forth in regulations adopted by it.~~

*(3) The board may accept full-time geophysical research or teaching of persons at the college or university level as professional geophysical experience, provided that such research or teaching, in the judgment of the board, is comparable to professional geophysical experience obtained in the practice of geophysics or a specialty in geophysics.*

~~(d) Successfully pass a written examination~~ *The applicant shall have passed an examination covering the fundamentals and practice of geophysics prescribed or accepted by the board.*

*(e) The applicant shall meet such other general or individual requirements as may be established by the board pursuant to its authority under this chapter.*

SEC. 69. Section 7841.3 is added to the Business and Professions Code, to read:

7841.3. “Professional geological experience” is work that requires the application of scientific knowledge, principles, and methods to geological evaluations through the exercise of individual initiative, judgment, and decisionmaking skills in investigating, analyzing, predicting, and reporting on the physical phenomena of the earth.

SEC. 70. Section 7841.4 is added to the Business and Professions Code, to read:

7841.4. “Professional geophysical experience” is work performed under the supervision of a licensed geophysicist that requires the application of scientific knowledge, principles, and methods to geophysical evaluations through the exercise of individual initiative, judgment, and decisionmaking skills in investigating, analyzing, predicting, and reporting on the physical phenomena of the earth.

SEC. 71. Section 7842 of the Business and Professions Code is amended to read:

~~7842. An applicant for certification~~ *For licensure in a any geological specialty in geology shall recognized pursuant to this chapter, an applicant shall meet all of the requirements of Section*

~~7841 and, in addition, his seven years of professional geological work shall include one of the following requirements:~~

~~(a) A minimum of three years performed Be licensed as a geologist by the board.~~

~~(b) The applicant shall have a documented record of a minimum of three years of experience in the applicable specialty and in geological work of a character satisfactory to the board, demonstrating that the applicant is qualified to assume responsible charge of any specialty work upon licensure in that specialty of geology. The experience must be gained under the supervision of a geologist certified licensed in the specialty for which he is seeking certification or under the supervision of a registered civil engineer if the applicant is seeking certification as an engineering geologist or under the supervision of a registered petroleum engineer if the applicant is seeking certification as a petroleum geologist, except that prior to July 1, 1970, professional geological work shall qualify under this subdivision if it is performed under the supervision of a geologist qualified in the specialty for which the applicant is seeking certification or under the supervision of a registered civil engineer if the applicant is seeking certification as an engineering geologist or under the supervision of a registered petroleum engineer if the applicant is seeking certification as a petroleum geologist.~~

~~(b) A minimum of five years' experience in responsible charge of professional geological work in the specialty for which the applicant is seeking certification in this or any other state, or under the supervision of others who, in the opinion of the board, are qualified to have responsible charge of geological work in the specialty.~~

~~(c) The applicant shall have passed a written examination covering the applicable specialty as prescribed by the board.~~

~~SEC. 72. Section 7842.1 of the Business and Professions Code is repealed.~~

~~7842.1. An applicant for certification in a specialty in geophysics shall meet all of the requirements of Section 7841.1 and in addition, his seven years of professional geophysical work shall include one of the following:~~

~~(a) A minimum of three years performed under the supervision of a geophysicist, certified in the specialty for which he is seeking certification.~~

~~(b) A minimum of five years' experience in responsible charge of professional geophysical work in the specialty for which the applicant is seeking certification.~~

SEC. 73. Section 7842.1 is added to the Business and Professions Code, to read:

7842.1. For licensure in any geophysical specialty recognized pursuant to this chapter, an applicant shall meet the following requirements:

(a) Be licensed as a geophysicist by the board.

(b) The applicant shall have a documented record of a minimum of three years of experience in the applicable specialty and in geophysical work of a character satisfactory to the board, demonstrating that the applicant is qualified to assume responsible charge of any specialty work upon licensure in that specialty of geophysics. The experience must be gained under the supervision of a geophysicist licensed in the specialty in this or any other state, or under supervision of others who, in the opinion of the board, are qualified to have responsible charge of geophysical work in the specialty.

(c) The applicant shall have passed a written examination covering the applicable specialty as prescribed by the board.

SEC. 74. Section 7844 of the Business and Professions Code is amended to read:

7844. ~~Examination for registration~~ Examinations shall be held at the times and places within the state as the board shall determine. ~~The scope of examinations and the methods of procedure may be prescribed by rule of the board given for the purpose of determining the knowledge of applicants for licensure as geologists, geophysicists, certified specialty geologists, or certified specialty geophysicists.~~

SEC. 75. Section 7845 of the Business and Professions Code is repealed.

~~7845. Examinations for registration as a geologist or registered certified specialty geologist shall test the applicant's knowledge of geology and of any established specialty for which he applies and his ability to apply that knowledge and to assume responsible charge in the professional practice of geology or a certified specialty geology, or both geology and a certified specialty geology.~~

1     SEC. 76.   Section 7845.1 of the Business and Professions Code  
2     is repealed.

3     ~~7845.1. Examinations for registration as a geophysicist or~~  
4     ~~registered certified specialty geophysicist shall test the applicant's~~  
5     ~~knowledge basic to geophysics and his ability to apply that~~  
6     ~~knowledge and to assume responsible charge in the professional~~  
7     ~~practice of geophysics or a certified specialty geophysics, or both~~  
8     ~~geophysics and a certified specialty geophysics.~~

9     SEC. 77.   Section 7846 of the Business and Professions Code  
10    is repealed.

11    ~~7846. An applicant failing in an examination may be~~  
12    ~~examined again upon filing a new application and the payment of~~  
13    ~~the application fee fixed by this chapter.~~

14    SEC. 78.   Section 7847 of the Business and Professions Code  
15    is repealed.

16    ~~7847. The board, upon application therefor, on its prescribed~~  
17    ~~form, and upon the payment of the application and registration fees~~  
18    ~~fixed by this chapter, which fees shall be retained by the board,~~  
19    ~~may issue a certificate of registration as a geologist or as a~~  
20    ~~geophysicist, without written examination, to any person holding~~  
21    ~~an equivalent certificate of registration as a geologist or as a~~  
22    ~~geophysicist, issued to him by any state or country when the~~  
23    ~~applicant's qualifications meet the other requirements of this~~  
24    ~~chapter and the rules established by the board.~~

25    SEC. 79.   Section 7848 of the Business and Professions Code  
26    is repealed.

27    ~~7848. A temporary authorization for the practice of geology~~  
28    ~~or a certified specialty geology, or both geology and a certified~~  
29    ~~specialty geology, may be granted, for a specific project, upon~~  
30    ~~application and payment of the fee prescribed in Section 7887 for~~  
31    ~~a period not to exceed 60 consecutive days in any calendar year if~~  
32    ~~the applicant complies with all of the following:~~

33    ~~(a) The applicant maintains no office for the practice of~~  
34    ~~geology or a certified specialty geology, or both geology and a~~  
35    ~~certified specialty geology, other than for the authorized project,~~  
36    ~~in this state.~~

37    ~~(b) The applicant is qualified to practice geology or a certified~~  
38    ~~specialty geology, or both geology and a certified specialty~~  
39    ~~geology for others, and is not legally prohibited from so doing, in~~

1 ~~the state or country where he or she maintains an office for that~~  
2 ~~practice.~~

3 ~~(c) The applicant demonstrates by means of an individual~~  
4 ~~appearance before the board, or before a committee appointed by~~  
5 ~~the board for that purpose, satisfactory evidence of adequate~~  
6 ~~knowledge in that phase of geology for which the applicant~~  
7 ~~proposes to practice under the temporary authorization.~~

8 ~~If the applicant can satisfy the board that the completion of the~~  
9 ~~specific project for which the authorization is granted will require~~  
10 ~~more than 60 consecutive calendar days, the board may extend the~~  
11 ~~authorization to a period not to exceed a total of 120 days.~~

12 ~~Upon completion of these requirements as necessary, the~~  
13 ~~executive officer on direction of the board shall issue a temporary~~  
14 ~~authorization to the applicant.~~

15 *SEC. 80. Section 7848.1 of the Business and Professions Code*  
16 *is repealed.*

17 ~~7848.1. A temporary authorization for the practice of~~  
18 ~~geophysics or a certified specialty geophysics, or both geophysics~~  
19 ~~and a certified specialty geophysics, may be granted, for a specific~~  
20 ~~project, upon application and payment of the fee prescribed in~~  
21 ~~Section 7887 for a period not to exceed 60 consecutive days in any~~  
22 ~~calendar year if the applicant complies with all of the following:~~

23 ~~(a) The applicant maintains no office for the practice of~~  
24 ~~geophysics or a certified specialty geophysics, or both geophysics~~  
25 ~~and a certified specialty geophysics, other than for the authorized~~  
26 ~~project, in this state.~~

27 ~~(b) The applicant is qualified to practice geophysics or a~~  
28 ~~certified specialty geophysics, or both geophysics and a certified~~  
29 ~~specialty geophysics for others, and is not legally prohibited from~~  
30 ~~so doing, in the state or country where he or she maintains an office~~  
31 ~~for that practice.~~

32 ~~(c) The applicant demonstrates by means of an individual~~  
33 ~~appearance before the board, or before a committee appointed by~~  
34 ~~the board for that purpose, satisfactory evidence or adequate~~  
35 ~~knowledge in that phase of geophysics for which the applicant~~  
36 ~~proposes to practice under the temporary authorization.~~

37 ~~If the applicant can satisfy the board that the completion of the~~  
38 ~~specific project for which the authorization is granted will require~~  
39 ~~more than 60 consecutive calendar days, the board may extend the~~  
40 ~~authorization to a period not to exceed a total of 120 days.~~

1   ~~Upon completion of these requirements as necessary, the~~  
2 ~~executive officer on direction of the board shall issue a temporary~~  
3 ~~authorization to the applicant.~~

4   *SEC. 81. Section 7849 of the Business and Professions Code*  
5 *is amended to read:*

6   7849. In determining the qualifications of an applicant for  
7 ~~registration, certification, or temporary authorization licensure~~, a  
8 majority vote of the board is required.

9   *SEC. 82. Section 7850 of the Business and Professions Code*  
10 *is repealed.*

11   ~~7850. Any applicant who has passed the examination and has~~  
12 ~~otherwise qualified hereunder as a geologist, upon payment of the~~  
13 ~~registration fee fixed by this chapter shall have a certificate of~~  
14 ~~registration issued to him as a geologist.~~

15   *SEC. 83. Section 7850 is added to the Business and*  
16 *Professions Code, to read:*

17   7850. The board shall issue an appropriate certificate  
18 evidencing licensure as a geologist or geophysicist or in any  
19 specialty of geology or geophysics recognized by the board, upon  
20 payment of the applicable licensure fee to any applicant who, in  
21 the opinion of the board, has satisfactorily met all the requirements  
22 of this chapter for licensure as a geologist or geophysicist or as a  
23 certified specialty geologist or certified specialty geophysicist.  
24 Such certificate shall show the full name of the licensee, shall have  
25 a license number, and shall be signed by the executive officer or an  
26 appropriate officer of the board under seal of the board.

27   *SEC. 84. Section 7850.1 of the Business and Professions Code*  
28 *is repealed.*

29   ~~7850.1. Any applicant who has passed the examination and~~  
30 ~~has otherwise qualified hereunder as a geophysicist, upon payment~~  
31 ~~of the registration fee fixed by this chapter shall have a certificate~~  
32 ~~of registration issued to him as a geophysicist.~~

33   *SEC. 85. Section 7850.5 of the Business and Professions Code*  
34 *is repealed.*

35   ~~7850.5. An applicant who has passed the examination for a~~  
36 ~~certified specialty geologist and has otherwise qualified under this~~  
37 ~~chapter in the specialty, upon payment of the fee fixed by this~~  
38 ~~chapter shall have a certificate issued to him or her as a certified~~  
39 ~~specialty geologist.~~

~~A certificate of certified specialty geologist shall be signed by the president and executive officer and issued under the seal of the board.~~

*SEC. 86. Section 7850.6 of the Business and Professions Code is repealed.*

~~7850.6.—An applicant who has passed the examination for a certified specialty geophysicist and has otherwise qualified under this chapter in the specialty, upon payment of the fee fixed by this chapter shall have a certificate issued to him or her as a certified specialty geophysicist. A certificate of certified specialty geophysicist shall be signed by the president and executive officer and issued under the seal of the board.~~

*SEC. 87. Section 7852 of the Business and Professions Code is amended to read:*

~~7852. (a) Each geologist registered under this chapter may, upon registration, obtain a seal of the design authorized by the board bearing the registrant's name, number of his certificate, and the legend "registered geologist."~~ *licensee shall obtain a seal of a design established by regulations of the board bearing the licensee's name, license number the legend. "Professional Geologist," or "Professional Geophysicist," and which may indicate any certified specialty in which the individual is licensed.*

~~(b) Each specialty geologist certified under this chapter may, upon certification, obtain a seal of the design authorized by the board bearing the registrant's name, number of his certificate and the legend "certified specialty geologist"~~ *Geological or geophysical reports, plans, specifications, and other documents prepared by a licensed geologist or licensed geophysicist, or by a subordinate under the supervision of a licensed geologist or licensed geophysicist, shall include the licensee's name and license number and the licensee's signature and an impression of his or her seal, in accordance with regulations issued by the board.*

*SEC. 88. Section 7852.1 of the Business and Professions Code is repealed.*

~~7852.1. (a) Each geophysicist registered under this chapter may, upon registration, obtain a seal of the design authorized by the board bearing the registrant's name, number of his certificate, and the legend "Registered Geophysicist."~~

~~(b) Each specialty geophysicist certified under this chapter may, upon certification, obtain a seal of the design authorized by~~

~~the board bearing the registrant's name, number of his certificate and the legend "Certified Specialty Geophysicist."~~

*SEC. 89. Section 7853 of the Business and Professions Code is repealed.*

~~7853. A duplicate certificate of registration to replace one lost, destroyed, or mutilated may be issued subject to the rules and regulations of the board. The duplicate certificate fee fixed by this chapter shall be charged.~~

*SEC. 90. Section 7853 is added to the Business and Professions Code, to read:*

*7853. The board shall have the authority to adopt regulations regarding expiration, cancellation, renewal, and replacement of licenses.*

*SEC. 91. Section 7854 of the Business and Professions Code is repealed.*

~~7854. An unsuspended, unrevoked and unexpired certificate and endorsement of registry made under this chapter is presumptive evidence in all courts and places that the person named therein is legally registered.~~

*SEC. 92. Section 7854 is added to the Business and Professions Code, to read:*

*7854. The issuance by the board of a license to an individual shall be prima facie evidence that the person named therein is entitled to all rights and responsibilities of a licensed geologist, licensed geophysicist, licensed certified specialty geologist, or licensed certified specialty geophysicist, who is licensed to practice geology or geophysics, while such remains unrevoked, unsuspended, or unexpired.*

*SEC. 93. Section 7855 of the Business and Professions Code is repealed.*

~~7855. Any applicant who is denied registration or authorization shall, in writing, be so notified and informed of the reason therefor. Within 30 days after receipt of notice, such applicant may make written request to the board for a hearing which, if granted, shall be conducted as specified in Section 7861.~~

*SEC. 94. Section 7856 is added to the Business and Professions Code, to read:*

*7856. Each licensee under this chapter is required to use his or her license number or numbers in advertising for services offered to the public.*

SEC. 95. Section 7860 of the Business and Professions Code is amended to read:

7860. (a) ~~The board may, upon its own initiative or upon the receipt of a complaint, investigate the actions of any registered geologist, geophysicist, or person granted temporary authorizations pursuant to Sections 7848 and 7848.1, and make findings thereon.~~ Any person may bring a complaint which shall be filed with the executive officer of the board alleging a violation of this act and regulations promulgated hereunder. The board shall investigate complaints brought to its attention, and in connection therewith may employ investigators, expert witnesses, and hearing officers, and conduct hearings to determine whether disciplinary or other action should be taken. The executive officer, upon a finding of probable cause following an investigation, may file a verified charge against an individual with commission of a violation of this act and regulations promulgated hereunder. A disciplinary action may be informally settled by the executive officer and the person, firm, or corporation which is the subject of the action, either before or after a hearing is commenced.

(b) ~~By a majority vote, the board may publicly reprove, suspend for a period not to exceed two years, or revoke the certificate of any geologist or geophysicist registered hereunder, or may publicly reprove or revoke the temporary authorization granted to any person pursuant to Section 7848 or 7848.1. The board may impose appropriate penalties for violations that have occurred in this state or in any other state on any of the following grounds:~~

(1) ~~Conviction of a crime substantially related to the qualifications, functions, or duties of a geologist or geophysicist felony, or the imposition of an administrative, civil, or criminal fine, or sentence of imprisonment or probation in lieu thereof, for any misdemeanor relating to or arising out of the practice of geology or geophysics, or the issuance of a cease and desist order or similar penalty relating to or arising out of the practice of geology or geophysics.~~

(2) ~~Misrepresentation, fraud, or deceit by a geologist or geophysicist in his or her practice.~~

(3) ~~Negligence or incompetence by a geologist or geophysicist in his or her practice.~~

~~(4) Violation of any contract undertaken in the capacity of a geologist or geophysicist.~~

~~(5) Fraud Conduct of any incompetence, misconduct, fraud, deceit, misrepresentation, violation of contract, or negligence in or related to the practice of geology or geophysics.~~

~~(3) Practice of any fraud or deceit in obtaining a certificate to practice license as a geologist or, geophysicist, or in obtaining a temporary authorization to practice pursuant to Section 7848 or 7848.1 certified specialty geologist, or certified specialty geophysicist.~~

~~(c) By a majority vote, the board may publicly reprove, suspend for a period not to exceed two years, or may revoke the certificate of any geologist or geophysicist registered hereunder, or may publicly reprove or revoke the temporary authorization granted to any person pursuant to Section 7848 or 7848.1, for unprofessional conduct. Unprofessional conduct includes, but is not limited to, any of the following:~~

~~(1) Aiding~~

~~(4) Use of the seal of another, or using or allowing use of one's seal on geological or geophysical work not performed by or under the supervision of the licensee, or otherwise aiding or abetting any person in a violation of any provision of this chapter or any regulation adopted by the board pursuant to this chapter.~~

~~(2) Violating~~

~~(5) Violation of any provision of this chapter or any of a rule or regulation adopted by the board pursuant to this chapter issued hereunder, or of any provision of the laws and regulations and ordinances relating to the practice of geology or geophysics of the state or of any of its political subdivisions or of any other state or country.~~

~~(3) Conduct in the course of practice as a geologist or geophysicist that violates professional standards adopted by the board.~~

~~(6) Revocation or suspension of a license, or denial of renewal thereof, or any disciplinary action by any state agency of any other state, including any other board of registration, or similar licensing agency for geologists or geophysicists or for any profession or occupation related to the practice of geology or geophysics, provided that the penalty imposed by the board shall~~

1 *not exceed in severity or duration the penalty upon which the*  
2 *action is based.*

3 *(7) The practice of or offering to practice geology or*  
4 *geophysics or a specialty of geology or geophysics, or holding*  
5 *oneself out as being licensed or qualified to practice geology or*  
6 *geophysics or a qualified specialty, in which the performance*  
7 *thereof significantly affects the safeguarding of life, health,*  
8 *property, or the environment, as defined herein, by an individual*  
9 *who is not licensed pursuant to this chapter, or by a firm or*  
10 *corporation not employing a licensed geologist, licensed*  
11 *geophysicist, licensed certified specialty geologist, or licensed*  
12 *certified specialty geophysicist as required by this chapter.*

13 *(8) The practice by any unlicensed person who in any manner*  
14 *makes use of the term "Licensed Geologist," "Professional*  
15 *Geologist," "P.G.," "Licensed Geophysicist," "Professional*  
16 *Geophysicist," "P.Gp.," "Certified Engineering Geologist,"*  
17 *"C.E.G.," "Certified Hydrogeologist," "C.Hg.," or claims any*  
18 *specialty in geology or geophysics, as a professional, business or*  
19 *commercial identification, title, name, representation, claim, or*  
20 *otherwise holds out to the public, as being licensed to practice*  
21 *geology or geophysics.*

22 *(9) Alteration or revision by any unlicensed person of any*  
23 *document, map or work signed or sealed by a licensed geologist*  
24 *or licensed geophysicist unless the alteration or revision is signed*  
25 *and sealed by a licensed geologist or licensed geophysicist, or*  
26 *changes or alters the name or seal of another licensed geologist*  
27 *or licensed geophysicist on any document, map, or work.*

28 *(10) Using the seal or signing any document under a license*  
29 *which has expired or has been suspended or revoked.*

30 *(11) Managing, or conducting as manager, proprietor, or*  
31 *agent, any place of business from which geological or geophysical*  
32 *work or specialty work, not exempted by this chapter, is offered,*  
33 *performed, or practices for others, unless the work is supervised*  
34 *or performed by a licensed geologist or licensed geophysicist or*  
35 *a licensed certified specialty geologist or licensed certified*  
36 *specialty geophysicist, as applicable.*

37 *(12) Failure to protect the health, safety, or welfare of the*  
38 *public, as it relates to the practice of geology or geophysics.*

39 *SEC. 96. Section 7861 of the Business and Professions Code*  
40 *is amended to read:*

1     ~~7861. The proceedings under this article~~ *Hearings and appeal*  
2 *procedures* shall be conducted in accordance with ~~Chapter 5~~  
3 ~~(commencing with Section 11500) of Part 1 of Division 3 of Title~~  
4 ~~2 of the Government Code, and the board shall have all the powers~~  
5 ~~granted therein~~ *Chapter 3.5 (commencing with Section 11340),*  
6 *Chapter 4 (commencing with Section 11370), Chapter 4.5*  
7 *(commencing with Section 11400), and Chapter 5 (commencing*  
8 *with Section 11500) of the Government Code.*

9     *SEC. 97. Section 7862 of the Business and Professions Code*  
10 *is repealed.*

11     ~~7862. The board may reissue a certificate of registration,~~  
12 ~~certification, or authority, to any person whose certificate has been~~  
13 ~~revoked if a majority of the members of the board vote in favor of~~  
14 ~~such reissuance for reasons the board deems sufficient.~~

15     *SEC. 98. Section 7863 of the Business and Professions Code*  
16 *is repealed.*

17     ~~7863. A plea or verdict of guilty or a conviction following a~~  
18 ~~plea of nolo contendere made to a charge substantially related to~~  
19 ~~the qualifications, functions and duties of a geologist or~~  
20 ~~geophysicist is deemed to be a conviction within the meaning of~~  
21 ~~this article. The board may order the certificate or authorization~~  
22 ~~suspended or revoked, or may decline to issue a certificate or~~  
23 ~~authorization, when the time for appeal has elapsed, or the~~  
24 ~~judgment of conviction has been affirmed on appeal, or when an~~  
25 ~~order granting probation is made suspending the imposition of~~  
26 ~~sentence, irrespective of a subsequent order under the provisions~~  
27 ~~of Section 1203.4 of the Penal Code allowing such person to~~  
28 ~~withdraw his plea of guilty and to enter a plea of not guilty, or~~  
29 ~~setting aside the verdict of guilty, or dismissing the accusation,~~  
30 ~~information or indictment.~~

31     *SEC. 99. Section 7864 is added to the Business and*  
32 *Professions Code, to read:*

33     *7864. The board may, by a majority vote, impose disciplinary*  
34 *actions under Sections 11517, 11518, 11519, and 11520 of the*  
35 *Government Code.*

36     *SEC. 100. Section 7865 is added to the Business and*  
37 *Professions Code, to read:*

38     *7865. If it appears that a violation of any law enforced by a*  
39 *government agency may have occurred, the board may report*  
40 *disciplinary actions to regulatory or other officials in this state, to*

1 any other registration or licensing board or organization acting on  
2 behalf of its member boards in other states, or to any appropriate  
3 local, state, or federal law enforcement agency.

4 SEC. 101. Section 7870 of the Business and Professions Code  
5 is repealed.

6 ~~7870. The board shall have the power, duty and authority to~~  
7 ~~investigate violations of the provisions of this chapter.~~

8 SEC. 102. Section 7871 of the Business and Professions Code  
9 is amended to read:

10 7871. It shall be the duty of the respective law enforcement  
11 officers charged with the enforcement of laws and ordinances to  
12 prosecute all persons charged with the violation of any of the  
13 provisions of this chapter.

14 It shall be the duty of the executive officer ~~of the board~~, under  
15 the direction of the board, to aid these officers in the enforcement  
16 of this chapter.

17 SEC. 103. Section 7871.1 is added to the Business and  
18 Professions Code, to read:

19 7871.1. Any public agency that reviews geological or  
20 geophysical reports or documents shall submit to the board reports  
21 or documents that may contain evidence of violations of this act.

22 SEC. 104. Section 7872 of the Business and Professions Code  
23 is amended to read:

24 7872. Every person is guilty of a misdemeanor and for each  
25 offense of which he or she is convicted is punishable by a fine of  
26 not more than one thousand dollars (\$1,000) or by imprisonment  
27 not to exceed three months, or by both fine and imprisonment:

28 ~~(a) Who, unless he is exempt from registration under this~~  
29 ~~chapter, practices or offers to practice geology or geophysics for~~  
30 ~~others in this state according to the provisions of this chapter~~  
31 ~~without legal authorization.~~

32 ~~(b) Who presents or attempts to file as his own the certificate~~  
33 ~~of registration of another.~~

34 ~~(c) Who gives false evidence of any kind to the board, or to any~~  
35 ~~member thereof, in obtaining a certificate of registration.~~

36 ~~(d) Who impersonates or uses the seal of any other practitioner.~~

37 ~~(e) Who uses an expired or revoked certificate of registration.~~

38 ~~(f) Who shall represent himself as, or use the title of, registered~~  
39 ~~geologist, or any other title whereby such person could be~~  
40 ~~considered as practicing or offering to practice geology for others,~~

1 ~~unless he is qualified by registration as a geologist under this~~  
2 ~~chapter, or who shall represent himself as, or use the title of,~~  
3 ~~registered geophysicist, or any other title whereby such person~~  
4 ~~could be considered as practicing or offering to practice~~  
5 ~~geophysics for others, unless he is qualified by registration as a~~  
6 ~~geophysicist under this chapter.~~

7 ~~(g) Who manages, or conducts as manager, proprietor, or agent,~~  
8 ~~any place of business from which geological or geophysical work~~  
9 ~~is solicited, performed or practiced for others, unless such~~  
10 ~~geological work is supervised or performed by a registered~~  
11 ~~geologist, or unless such geophysical work is supervised or~~  
12 ~~performed by a registered geophysicist or geologist.~~

13 ~~(h) Who if he or she violates any provision of this chapter.~~

14 *SEC. 105. Section 7880 of the Business and Professions Code*  
15 *is repealed.*

16 ~~7880. A certificate of registration as a geologist or as a~~  
17 ~~specialty geologist or as a geophysicist or as a specialty~~  
18 ~~geophysicist shall expire at 12 a.m. of the last day of the birth~~  
19 ~~month of the certificate holder during the second year of a~~  
20 ~~two-year term if not renewed. To renew an unexpired certificate,~~  
21 ~~the certificate holder shall, on or before the date of expiration of~~  
22 ~~the certificate, apply for renewal on a form prescribed by the~~  
23 ~~board, and pay the renewal fee prescribed by this chapter.~~

24 ~~For purposes of implementing the distribution of the renewal of~~  
25 ~~registrations throughout the year, the board may establish a system~~  
26 ~~of staggered certificate expiration dates and a pro rata formula for~~  
27 ~~the payment of renewal fees by certificate holders affected by the~~  
28 ~~implementation of the program.~~

29 *SEC. 106. Section 7881 of the Business and Professions Code*  
30 *is repealed.*

31 ~~7881. Except as otherwise provided in this article, certificates~~  
32 ~~of registration as a geologist or as a geophysicist, or certified~~  
33 ~~specialty certificates, may be renewed at any time within five years~~  
34 ~~after expiration on filing an application for renewal on a form~~  
35 ~~prescribed by the board and payment of the renewal fee in effect~~  
36 ~~on the last preceding regular renewal date. If the certificate is~~  
37 ~~renewed more than 30 days after its expiration, the certificate~~  
38 ~~holder, as a condition precedent to renewal, shall also pay the~~  
39 ~~delinquency fee prescribed by this chapter. Renewal under this~~  
40 ~~section shall be effective on the date on which the application is~~

~~1 filed, on the date on which the renewal fee is paid, or on the date  
2 on which the delinquency fee, if any, is paid, whichever last  
3 occurs. If so renewed, the certificate shall continue in effect  
4 through the date provided in Section 7880 which next occurs after  
5 the effective date of the renewal, when it shall expire if it is not  
6 again renewed.~~

~~7 SEC. 107. Section 7882 of the Business and Professions Code  
8 is repealed.~~

~~9 7882. A suspended certificate is subject to expiration and  
10 shall be renewed as provided in this article, but such renewal does  
11 not entitle the holder of the certificate, while it remains suspended  
12 and until it is reinstated, to engage in the activity to which the  
13 certificate relates, or in any other activity or conduct in violation  
14 of the order or judgment by which it was suspended.~~

~~15 SEC. 108. Section 7883 of the Business and Professions Code  
16 is repealed.~~

~~17 7883. A revoked certificate is subject to expiration as  
18 provided in this article, but it may not be renewed. If it is reinstated  
19 after its expiration, the holder of the certificate, as a condition  
20 precedent to its reinstatement, shall pay a reinstatement fee in an  
21 amount equal to the renewal fee in effect on the last regular date  
22 before the date on which it is reinstated, plus the delinquency fee,  
23 if any, accrued at the time of its revocation.~~

~~24 SEC. 109. Section 7884 of the Business and Professions Code  
25 is repealed.~~

~~26 7884. Certificates of registration as a geologist or as a  
27 geophysicist or certified specialty certificates which are not  
28 renewed within five years after expiration may not be renewed,  
29 restored, reinstated, or reissued thereafter. The holder of such  
30 certificate may apply for and obtain a new certificate, however, if:~~

~~31 (a) He has not committed any acts or crimes constituting  
32 grounds for denial of licensure under Section 480.~~

~~33 (b) He takes and passes the examination, if any, which would  
34 be required of him if he were then applying for the certificate for  
35 the first time.~~

~~36 The board may, by regulation, provide for the waiver or refund  
37 of all or any part of the application fee in those cases in which a  
38 certificate is issued without an examination pursuant to the  
39 provisions of this section.~~

1     *SEC. 110. Section 7885 of the Business and Professions Code*  
2     *is amended to read:*

3     7885. ~~The All funds remitted to the board shall report each~~  
4     ~~month to the State Controller the amount and source of all revenue~~  
5     ~~received by it pursuant to this chapter and at the same time pay the~~  
6     ~~entire amount thereof into shall be deposited in and expended from~~  
7     ~~a separate fund created in the State Treasury for credit, to be~~  
8     ~~known as the Geology and Geophysics Fund, which fund is hereby~~  
9     ~~created by this chapter.~~

10    *SEC. 111. Section 7887 of the Business and Professions Code*  
11    *is repealed.*

12    ~~7887. The amount of the fees prescribed by this chapter shall~~  
13    ~~be fixed by the board in accordance with the following schedule:~~

14    ~~(a) The fee for filing each application for registration as a~~  
15    ~~geologist or a geophysicist or certification as a specialty geologist~~  
16    ~~or a specialty geophysicist and for administration of the~~  
17    ~~examination at not more than two hundred and fifty dollars (\$250).~~

18    ~~(b) The registration fee for a geologist or for a geophysicist and~~  
19    ~~the fee for the certification in a specialty shall be fixed at an amount~~  
20    ~~equal to the renewal fee in effect on the last regular renewal date~~  
21    ~~before the date on which the certificate is issued, except that, with~~  
22    ~~respect to certificates which will expire less than one year after~~  
23    ~~issuance, the fee shall be fixed at an amount equal to 50 percent of~~  
24    ~~the renewal fee in effect on the last regular renewal date before the~~  
25    ~~date on which the certificate is issued. The board may, by~~  
26    ~~appropriate regulation, provide for the waiver or refund of the~~  
27    ~~initial certificate fee where the certificate is issued less than 45~~  
28    ~~days before the date on which it will expire.~~

29    ~~(c) The duplicate certificate fee at not more than six dollars~~  
30    ~~(\$6).~~

31    ~~(d) The temporary registration fee for a geologist or for a~~  
32    ~~geophysicist at not more than eighty dollars (\$80).~~

33    ~~(e) The renewal fee for a geologist or for a geophysicist shall~~  
34    ~~be fixed by the board at not more than two hundred dollars (\$200).~~

35    ~~(f) The renewal fee for a specialty geologist or for a specialty~~  
36    ~~geophysicist at not more than fifty dollars (\$50).~~

37    ~~(g) Notwithstanding Section 163.5, the delinquency fee for a~~  
38    ~~certificate is an amount equal to 50 percent of the renewal fee in~~  
39    ~~effect on the last regular renewal date.~~

1 ~~(h) The fees fixed by the board pursuant to subdivisions (e) and~~  
2 ~~(f), as of January 1, 1993, shall not be increased.~~

3 ~~(i) Each applicant for registration as a geologist shall pay an~~  
4 ~~examination fee fixed by the board at an amount equal to the actual~~  
5 ~~cost to the board for the purchase of a national examination for~~  
6 ~~geologists created by a nationally recognized entity approved by~~  
7 ~~the board, including a supplemental California specific~~  
8 ~~examination, and shall not exceed three hundred dollars (\$300).~~

9 ~~(j) Each applicant for registration as a geophysicist or~~  
10 ~~certification as an engineering geologist or certification as a~~  
11 ~~hydrogeologist shall pay an examination fee fixed by the board at~~  
12 ~~an amount equal to the actual cost to the board for the development~~  
13 ~~and maintenance of the written examination, and shall not exceed~~  
14 ~~one hundred dollars (\$100).~~

15 *SEC. 112.* Section 8710 of the Business and Professions Code  
16 is amended to read:

17 8710. (a) The Board for Professional Engineers and Land  
18 Surveyors is vested with power to administer the provisions and  
19 requirements of this chapter, and may make and enforce rules and  
20 regulations that are reasonably necessary to carry out its  
21 provisions.

22 (b) The board may adopt rules and regulations of professional  
23 conduct that are not inconsistent with state and federal law. The  
24 rules and regulations may include definitions of incompetence and  
25 negligence. Every person who holds a license or certificate issued  
26 by the board pursuant to this chapter, or a license or certificate  
27 issued to a civil engineer pursuant to Chapter 7 (commencing with  
28 Section 6700), shall be governed by these rules and regulations.

29 (c) This section shall become inoperative on July 1, 2004, and,  
30 as of January 1, 2005, is repealed, unless a later enacted statute,  
31 which becomes effective on or before January 1, 2005, deletes or  
32 extends the dates on which it becomes inoperative and is repealed.  
33 The repeal of this section shall render the board subject to the  
34 review required by Division 1.2 (commencing with Section 473).  
35 However, the review of this board shall be limited to only those  
36 unresolved issues identified by the Joint Legislative Sunset  
37 Review Committee.

38 ~~SEC. 7.~~

39 *SEC. 113.* Section 8741.1 of the Business and Professions  
40 Code is amended to read:

1 8741.1. The second division of the examination for licensure  
2 as a land surveyor shall include an examination that incorporates  
3 a national examination for land surveying by a nationally  
4 recognized entity approved by the board, and a supplemental  
5 California specific examination. The California specific  
6 examination shall test the applicant's knowledge of the provisions  
7 of this chapter and the board's rules and regulations regulating the  
8 practice of professional land surveying in this state. The board  
9 shall prepare and distribute to applicants for the second division of  
10 the examination a plain language pamphlet describing the  
11 provisions of this chapter and the board's rules and regulations  
12 regulating the practice of land surveying in the state.

13 The board shall use the national examination on or before ~~April~~  
14 *June 1, 2003*. In the meantime, the board may continue to provide  
15 the current state-only second division examination and administer  
16 the test on the provisions of this chapter and board rules as a  
17 separate part of the second division examination for licensure as  
18 a land surveyor.

19 *SEC. 114. Section 8801 of the Business and Professions Code*  
20 *is amended to read:*

21 8801. Licenses issued under this chapter expire every ~~four~~ *two*  
22 years, if not renewed. ~~Quadrennial~~ *Biennial* renewals shall be  
23 staggered on a quarterly basis. To renew an unexpired license the  
24 license holder shall on or before the date of expiration indicated on  
25 the renewal receipt, apply for renewal on a form prescribed by the  
26 board, and pay the renewal fee prescribed by this chapter.

27 *SEC. 115. Section 8805 of the Business and Professions Code*  
28 *is amended to read:*

29 8805. The amount of the fees prescribed by this chapter shall  
30 be fixed by the board in accordance with the following schedule:

31 (a) The fee for filing each application for licensure as a land  
32 surveyor at not more than ~~one four hundred seventy-five~~ dollars  
33 ~~(\$175)~~ *(\$400)*, and for each application for certification as a land  
34 surveyor-in-training (LSIT) at not more than ~~sixty one hundred~~  
35 dollars ~~(\$60)~~ *(\$100)*.

36 (b) The temporary registration fee for a land surveyor at not  
37 more than 25 percent of the application fee in effect on the date of  
38 application.

39 (c) The renewal fee for a land surveyor at not more than the  
40 application fee.

1 (d) The fee for a retired license at not more than 50 percent of  
2 the professional land surveyor application fee in effect on the date  
3 of application.

4 (e) The delinquency fee at not more than 50 percent of the  
5 renewal fee in effect on the date of reinstatement.

6 (f) The board shall establish by regulation an appeal fee for  
7 examination. The regulation shall include provisions for an  
8 applicant to be reimbursed the appeal fee if the appeal results in  
9 passage of examination. The fee shall be no more than the costs  
10 incurred by the board.

11 (g) All other document fees are to be set by the board by rule.

12 *SEC. 116. Section 22251 of the Business and Professions*  
13 *Code is amended to read:*

14 22251. For the purposes of this chapter, the following words  
15 have the following meanings:

16 (a) (1) Except as otherwise provided in paragraph (2), “tax  
17 preparer” includes:

18 (A) A person who, for a fee or for other consideration, assists  
19 with or prepares tax returns for another person or who assumes  
20 final responsibility for completed work on a return on which  
21 preliminary work has been done by another person, or who holds  
22 himself or herself out as offering those services. A person engaged  
23 in that activity shall be deemed to be a separate person for the  
24 purposes of this chapter, irrespective of affiliation with, or  
25 employment by, another tax preparer.

26 (B) A corporation, partnership, association, or other entity that  
27 has associated with it persons not exempted under Section 22258,  
28 which persons shall have as part of their responsibilities the  
29 preparation of data and ultimate signatory authority on tax returns  
30 or that holds itself out as offering those services or having that  
31 authority.

32 (2) Notwithstanding paragraph (1), “tax preparer” does not  
33 include an employee who, as part of the regular clerical duties of  
34 his or her employment, prepares his or her employer’s income,  
35 sales, or payroll tax returns.

36 (b) “Tax return” means a return, declaration, statement, refund  
37 claim, or other document required to be made or filed in  
38 connection with state or federal income taxes or state bank and  
39 corporation franchise taxes.

1 (c) An “approved curriculum provider,” for purposes of basic  
2 instruction as described in subdivision (a) of Section 22255, and  
3 continuing education as described in subdivision (b) of Section  
4 22255, is one who has been approved by the council as defined in  
5 subdivision (d), or by the Bureau for Private Postsecondary and  
6 Vocational Education under Chapter 7 (commencing with Section  
7 94700) of Part 59 of Division 10 of the Education Code. A  
8 curriculum provider who is approved by the tax education council  
9 is exempt from Chapter 7 (commencing with Section 94700) of  
10 Part 59 of Division 10 of the Education Code.

11 (d) “Council” means the California Tax Education Council  
12 which is a single organization made up of not more than one  
13 representative from each professional society, association, or other  
14 entity operating as a California nonprofit corporation which  
15 chooses to participate in the council and which represents tax  
16 preparers, enrolled agents, attorneys, or certified public  
17 accountants with a membership of at least 200 for the last three  
18 years, and not more than one representative from each for-profit  
19 tax preparation corporation which chooses to participate in the  
20 council and which has at least 200 employees and has been  
21 operating in California for the last three years. *The council shall*  
22 *include two representatives who are tax preparers.*

23 *SEC. 117.* Section 22259 of the Business and Professions  
24 Code is amended to read:

25 22259. This chapter shall be subject to the review required by  
26 Division 1.2 (commencing with Section 473).

27 This chapter shall become inoperative on July 1, 2008,  
28 and, as of January 1, 2009, is repealed, unless a later enacted  
29 statute, which becomes effective on or before January 1, 2009,  
30 deletes or extends that date on which it becomes inoperative  
31 and is repealed.

32 ~~SEC. 8.~~

33 *SEC. 118.* No reimbursement is required by this act pursuant  
34 to Section 6 of Article XIII B of the California Constitution  
35 because the only costs that may be incurred by a local agency or  
36 school district will be incurred because this act creates a new crime  
37 or infraction, eliminates a crime or infraction, or changes the  
38 penalty for a crime or infraction, within the meaning of Section  
39 17556 of the Government Code, or changes the definition of a



- 1 crime within the meaning of Section 6 of Article XIII B of the
- 2 California Constitution.

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